

**FREQUENTLY CITED SPECIAL EDUCATION REQUIREMENTS THAT ARE MOST
CLOSELY RELATED TO IMPROVING EDUCATIONAL RESULTS**

*Regulations Governing Special Education Programs for Children with Disabilities in Virginia,
8 VAC 20-80-10*

8 VAC 20-80-45 Special Education Staffing
Special education caseloads for preschool and school-aged children, ages two to 21, inclusive, are consistent with requirements set forth in the regulations.
8 VAC 20-80-50 Child Find
<p>The school division's screening process for children includes transfers from out of state and ensures that, within 60 business days of initial enrollment in public school, all children are screened in the following areas to determine if a referral for an evaluation for special education and related service is indicated:</p> <ul style="list-style-type: none"> • Speech, voice, language, fine and gross motor functions (through grade three) • Vision and hearing (initial enrollment, grades three, seven and 10)
8 VAC 20-80-54 Evaluation
The school division provides notice to ensure that parent(s) have the opportunity to participate in the review of existing data.
A complete audiological assessment, including tests which will assess the inner and middle ear functioning, is performed on each child who is hearing impaired or deaf or who fails two hearing screening tests.
Reevaluations occur when conditions warrant, at the request of the child's parent(s) or teacher(s), or at least once every three years.
Evaluations, including reevaluations, are completed within 65 business days of receipt of the referral by the special education administrator or designee.
8 VAC 20-80-56 Eligibility
<p>The decision regarding eligibility for special education and related services is made:</p> <ul style="list-style-type: none"> • Within 65 business days after the referral for evaluation is received for an initial evaluation • No later than the third anniversary of the date the child was last found eligible for special education and related service • Within 65 business days after the parent(s) are notified of the decision not to reevaluate
Upon completing the administration of tests and other evaluation materials or after determining that additional data are not needed, a group of qualified professionals, including the parent, determines whether the child is or continues to be a child with a disability.
The group making the decision regarding eligibility has a written summary that consists of the basis for making its determination.

8 VAC 20-80-90 FAPE (Extended School Year Services)

Extended school year (ESY) services are available as necessary to provide a free appropriate public education to children with disabilities.

- ESY services are provided when the IEP team determines the individual need.
- The LEA does not limit extended school year services to particular categories of disability.
- The LEA does not unilaterally limit the type, amount, or duration of extended school year services.

VAC 20-80-62 Individualized Education Program (IEP)

The LEA ensures that an IEP:

- Is in effect at the beginning of each school year for each child with a disability
- Is in effect before special education and related services are provided to an eligible child, including children who transfer into the LEA
- Is developed within 30 calendar days of the date of the initial determination that the child needs special education and related services, and is implemented as soon as possible following the IEP meeting

If a purpose of the meeting will be the consideration of the student's transition services needs, the needed transition services, or both, the LEA invites the student of any age to attend the meeting.

The regular education teacher, as a member of the IEP team, participates in the development, review and revision of the child's IEP including assisting in the determination of:

- Appropriate positive behavioral interventions and strategies
- Supplementary aids and services, accommodations, program modifications, or supports for school personnel that will be provided for the child

The IEP for each child with a disability includes:

- (1) A statement of the child's present levels of educational performance including how the child's disability affects involvement and progress in the general curriculum, or for a preschool child, as appropriate, how the disability affects the child's participation in appropriate activities.
 - The statement is written in objective measurable terms, to the extent possible and test scores, if appropriate, are self-explanatory or an explanation is included.
 - The present level of performance relates to the other components of the IEP.
- (2) A statement of measurable annual goals including benchmarks or short-term objectives, related to:
 - Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum or for the preschool children, as appropriate, to participate in appropriate activities
 - Meeting each of the child's other educational needs that result from the child's disability
- (3) A statement of special education, related services (i.e., OT, PT, transportation, **psychological counseling**, other) and supplementary aids, and services to be provided for the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child

- To advance appropriately toward attaining the annual goals
 - To be involved and progress in the general curriculum and to participate in the extracurricular and other nonacademic activities
 - To be educated and participate with other children with disabilities and children without disabilities in academic, nonacademic, and extracurricular activities
- (4) An explanation of the extent, if any, to which the child will not participate with children without disabilities in the regular class and activities
- (5) A statement of any individual accommodations or modifications in the administration of state or division-wide assessments of student achievement that are needed in order for the child to participate in such assessments
- (6) If the IEP team determines that the child will not participate in a particular state or division-wide assessment of achievement, a statement of:
- Why that assessment is not appropriate for the child
 - How the child will be assessed, including participation in the alternate assessment for those students who meet the criteria
 - How the child's nonparticipation in the state or division-wide assessment will impact the child's promotion or course; graduation with a standard, advanced studies, or modified standard diploma; or other matters
- (7) A statement of how the child's progress toward the annual goals will be measured; and a statement of how the child's parent(s) will be regularly informed (by such means as periodic report cards), at least as often as parent(s) are informed of the progress of their children without disabilities, concerning:
- Their child's progress toward the annual goals
 - The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year
- (8) Beginning at age 14 (or younger if appropriate), and updated annually, a statement of the transition service needs of the student that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program)

8 VAC 20-80-64 Least Restrictive Environment (LRE)

The LEA ensures that special classes, separate schooling, or other removal of children with disabilities from the regular education environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

A continuum of alternative placements is available to meet the needs of children with disabilities, that includes:

- The alternative placements listed in the definition of special education (instruction in regular classes, special classes, special school, home-based instruction, and instruction in hospitals and institutions, including Woodrow Wilson Rehabilitation Center and other state facilities)
- The provision for supplementary services (e.g., resource room or services or itinerant instruction) to be provided in conjunction with regular class placement

<ul style="list-style-type: none"> • The LEA documents all alternatives considered and the rationale for choosing the selected placement
<p>The educational placement for each child, including a preschool child with a disability, is:</p> <ul style="list-style-type: none"> • Made by the IEP team in conformity with the least restrictive environment • Determined at least annually • Based on the child's IEP • As close as possible to the child's home
<p>All children with disabilities are served in a program with age-appropriate peers unless it can be shown that for a particular child with a disability, the alternative placement is appropriate as documented by the IEP.</p>
<p>8 VAC 20-80-68 Discipline</p>
<p>When the LEA contemplates a removal that constitutes a change in placement, including a removal to an interim alternative educational setting, the LEA:</p> <ul style="list-style-type: none"> • Notifies the parent(s) of that decision and provides the parent(s) with the procedural safeguards notice not later than the date on which the decision to take the action is made • Convenes the IEP team and other qualified personnel immediately, if possible, but not later than 10 school days after the date on which the decision to take the action is made. The IEP team and other qualified personnel review the relationship between the student's disability and the behavior subject to the disciplinary action
<p>No later than 10 business days after either first removing a child for more than 10 school days in a year or commencing a removal that constitutes a change in placement, the LEA convenes an IEP meeting:</p> <ul style="list-style-type: none"> • If the LEA has not conducted a functional behavioral assessment and implemented a behavioral intervention plan, the IEP team meets to develop an assessment plan and implements a BIP that addresses the behavior. • If the student has a behavioral intervention plan, the IEP team meets to review the plan and its implementation and modifies the plan and its implementation as necessary to address the behavior.

Source of Data: Federal Program Monitoring LEAs' Self-Assessment Reports and VDOE's On-Site Monitoring Reports